

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 10873PERMIT 6870LICENSE 5706ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS License 5706 was issued to Andrew O., Ione W., Charles A., and Kay Lyall and was filed with the County Recorder of San Diego County on May 4, 1959, and

WHEREAS the State Water Rights Board has found that the change in point of diversion under said license for which petition was submitted on March 17, 1966, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said point of diversion in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said License 5706 to a point of diversion described as follows, to wit:

DUE WEST 760 FEET FROM NE CORNER OF PROJECTED SECTION 9,
T10S, R1W, SBB&M, BEING WITHIN NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID
SECTION 9.

Dated: SEP 5 1967

L. K. Hill
L. K. Hill
Executive Officer



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 10873

PERMIT 6870

LICENSE 5706

THIS IS TO CERTIFY, That

Andrew O. Lyall, Ione W. Lyall, Charles A. Lyall and
Rancho Monte Vista
Pauma Valley, California

Kay Lyall

Notice of Assent

have made proof as of January 21, 1959

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Pauma Creek in San Diego County

tributary to San Luis Rey River

for the purpose of irrigation use
under Permit 6870 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from September 1, 1944
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed one and twenty-five hundredths
(1.25) cubic feet per second to be diverted from about October 1 of each year to about
July 15 of the succeeding year.

Diversions under this license may be made only at such times as there are waters
flowing to the ocean in San Luis Rey River.

The equivalent of such continuous flow allowance for any thirty day period may be
diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located :
South three hundred thirty (330) feet and west nine hundred ninety (990) feet from
NE corner of projected Section 9, T10S, R1W, SBB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said
projected Section 9.

A description of the lands or the place where such water is put to beneficial use is as follows:

3 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 9, T10S, R1W, SBB&M
10 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 9, T10S, R1W, SBB&M
10 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 9, T10S, R1W, SBB&M
3 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 16, T10S, R1W, SBB&M
18 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 16, T10S, R1W, SBB&M
4 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 16, T10S, R1W, SBB&M
38 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

MAY 1 '59

Dated:

L. K. Hill
L. K. Hill
Executive Officer

*11-26-71 Name changed to Estate of
Andrew O. Lyall
6-19-84 asgd to Lyall Enterprises, Inc.*

LICENSE 5706

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Andrew O. Lyall, et al.

DATED MAY 1 '59

72849 3-58 RM ① SPO